

30A Registry

File 04M 1-2

I believe it is necessary that we have a common understanding as to what employment tenure means in the Agency. On the one hand it does not mean that there is a full guarantee of any employee's continuing tenure if either his performance is not acceptable or if there no longer exists a need for the person's services. On the other hand there has to be an understanding that a reasonable guarantee exists and that the unique statutory firing authority of the DCI will not be used in an arbitrary or capricious fashion.

I believe that a reasonable definition of employment tenure in the Agency can be stated as follows. Our regulations state that a new employee serves during the first three years on a probationary status. During that period he may be removed from the Agency by action of the Director of Personnel if his performance is deemed less than adequate. The next period to be viewed should be that after the employee has successfully passed from the probationary period to a full staff status. After this act has taken place the employee's tenure could be affected by one of three developments. If there exists a demonstrably poor individual performance, as indicated by the annual Fitness Report, then individual action should be undertaken to determine whether the employee should be separated. Secondly, if the employee meets the definition as found in [REDACTED] and for two consecutive years is ranked in the bottom 3 percent of the person's category, then the case should be reviewed. If, in addition to being in the bottom 3 percent, the individual is given a poor performance indicator

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then dismissal may well be in order. Thirdly, the needs of the organization for various types of individuals varies from time to time and it is possible because of the dynamics of the world the services of otherwise good and proficient employees will no longer be required.

The third period of tenure commences with the third year before the employee possesses an eligibility for an immediate retirement annuity. At this stage the individual's dedication and performance has been well demonstrated and, to the greatest degree possible, both the Government and the Agency owe him his right to receive his forthcoming retirement annuity. During this three-year period, then, unless the individual has demonstrably shown his lack of ability to continue his performance, the person should be given all consideration possible to remain on duty until such time as he is eligible for the annuity.

Lastly, there is the employment tenure subsequent to the date that the individual is fully qualified for retirement benefits. It is my belief that the needs of the service should be the major controlling factor at this time. After reaching this point, an individual has served a full career and it may be necessary, particularly for those who are qualified for retirement under CIARDS, to be asked to step aside if such a request is necessary to ensure the continuance of a viable service. This very fact is recited in the legislative history of the CIARDS Act and has since been reiterated by several Directors to the Congress.

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